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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,865	11/16/2000	Diego H Castillon	B0801/7195	4880
7590	06/18/2004		EXAMINER	
Elizabeth R Plumer Wolf Greenfield & Sacks PC 600 Atlantic Avenue Boston, MA 02210			CANELLA, KAREN A	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/714,865	CASTRILLON, DIEGO H
	Examiner Karen A Canella	Art Unit 1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1 and 2 is/are allowed.
- 6) Claim(s) 3,4 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: Attachment

DETAILED ACTION

Claim 4 has been amended in the amendment filed May 15, 2004. Claims 1-4 and 22 are pending and under consideration.

After review and reconsideration, the finality of the previous Office action is withdrawn.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 22 is drawn to a kit comprising “an agent” that selectively binds to the isolated nucleic acid of claim 1. When given the broadest reasonable interpretation, the claims read on DNA binding enzymes, and other molecules which are not restricted to nucleic acids which hybridize to SEQ ID NO:1. The specification discloses only nucleic acids which hybridize to SEQ ID NO:1 and thus does not adequately describe a genus of “agents”.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for SEQ ID NO:15, does not reasonably provide enablement for fragments of SEQ ID NO:15. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Claim 15 embodies the isolated nucleic acids of claim 1 which hybridize under stringent conditions to SEQ ID NO:1 and code for a human vasa polypeptide. The specification teaches that vasa polypeptides are restricted to expression in germ cells and tumors thereof. The specification has not provided teaching of a subfragment of SEQ ID NO:15 which would encode a vasa polypeptide. One of skill in the art would be subject to undue experimentation in order to make a subfragment of SEQ ID NO:15 that would be expressed only in germ cells.

Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Edwards (US 6,636,063) as evidenced by the attached sequence alignment. Edwards discloses SEQ ID

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NOI:2923 which is an isolated DNA fragment of SEQ ID NO:1 of 504 nucleic acids, thus fulfilling the specific embodiment of between 8 and 2223 nucleotides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10 a.m. to 9 p.m. M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571)272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAREN A. CANELLA PH.D
PRIMARY EXAMINER

Karen A. Canella, Ph.D.

06/17/2004

RESULT 2

1 Sequence 1475, Application US/09833387
 1 Patent No. 6672186

GENERAL INFORMATION:

1 APPLICANT: Robison, Keith E.

1 TITLE OF INVENTION: No. 6672186el Nucleic Acid and Protein Homologs

1 CURRENT APPLICATION NUMBER: US/09/833.381

1 CURRENT FILING DATE: 2001-04-11

1 PRIOR FILING DATE: 2000-02-29

1 NUMBER OF SEQ ID NOS: 2050

1 SOFTWARE: FastSeq for Windows Version 3.0

1 SEQ ID NO: 1475

1 LENGTH: 420

1 TYPE: DNA

1 ORGANISM: Homo sapiens

US-09-833-381-1475

Query Match 17.5% ; Score 369.8 ; DB 4 ; Length 420 ;
 Best Local Similarity 99.5% ; Prcd. No. 9.e-104 ;
 Matches 391 ; Conservative 0 ; Mismatches 2 ; Indels 0 ; Gaps 0 ;

Db 28 GTCAAATGACACTTCTGGAAACTCTGTGAACTGAACTGGCAATTCTG 877

Qy 818 GCAAAATCGACACTATCTTGGAATCTGTGAACTGAACTGGCAATTCTG 877

Db 28 GTCAAATGACACTTCTGGAAACTCTGTGAACTGAACTGGCAATTCTG 87

Qy 878 ACTTTGAGAAGCTTAATCTGTGAACTGAACTGGCAATTCTG 937

Db 88 ACTTTGAGAAGCTTAATCTGTGAACTGAACTGGCAATTCTG 147

Qy 938 ACTAACTTAACTCTGTGAAATAACTGAACTGGCAATTCTG 997

Db 148 ACTAACTTAACTCTGTGAAATAACTGAACTGGCAATTCTG 207

Qy 998 ATGGCTTGCTCAAACAGGGTCGGAGAGCTGGCCCTCTCCPACCAATTCTGC 1057

Db 208 ATGGCTTGCTCAAACAGGGTCGGAGAGCTGGCCCTCTCCPACCAATTCTG 267

Qy 1058 CATATGATGATGTTGAAACTGCCACTGCAAGTTGCAACGATTTATGGAGCCGAATT 1117

Db 268 CATATGATGATGTTGAAACTGCCACTGCAAGTTGCAACGATTTATGGAGCCGAATT 327

Qy 1118 ATTATTGAGCACAACTGAGAATGGTCAACGATTTATGGAGCCGAATT 1177

Db 328 ATTATTGAGCACAACTGAGAATGGTCAACGATTTATGGAGCCGAATT 387

Qy 1178 TCTTTGGGAACTTGTAAGAGTTGTTAGGTGTTGTTATA 1210

Db 388 TCTTTGGGAACTTGTAAGAGTTGTTGTTATA 420

RESULT 3

US-09-976-594-786

Sequence 786, Application US/09976594

Patent No. 6673549

GENERAL INFORMATION:

APPLICANT: Furness, Michael

1 APPLICANT: Buchbinder, Jenny

1 TITLE OF INVENTION: GENES EXPRESSED IN C3A LIVER CELL CULTURES TREATED WITH STEROIDS

1 FILE REFERENCE: PA-0041 US

1 CURRENT APPLICATION NUMBER: US/09/976-594

1 CURRENT FILING DATE: 2001-10-12

1 PRIOR APPLICATION NUMBER: 60/240,409

1 PRIORITY FILING DATE: 2000-10-12

1 NUMBER OF SEQ ID NOS: 1143

1 SOFTWARE: PERL program

SEQ ID NC_786

1 LENGTH: 2451

1 TYPE: DNA

1 ORGANISM: Homo sapiens

FEATURE:

NAME/KEY: misc_feature

OTHER INFORMATION: Incyte ID No. 6673549 035282CB1

US-09-976-594-786

Query Match 17.4% ; Score 386.4 ; DB 4 ; Length 2451 ;
 Best Local Similarity 58.7% ; Prcd. No. 2.7e-102 ;
 Matches 763 ; Conservative 0 ; Mismatches 501 ; Indels 36 ; Gaps 4 ;

Qy 801 AGAGGGATAAACTTCACAAATTAGAACACTATTCTGTGAAAGTGTCTGACATATG 860

Db 503 ACACGGGGTTAACTTGAAATAATGATGATAACCAGTAGGCAACGGGAGTAATC 562

Qy 861 CACCAACCACAACTTCGACTTTGAAGAGGCTATCTGTGAGACATGTGAACTGAAACACA 920

Db 563 GTCCCTCCACATATGAGATTTAGGTTATGACATGGAAATATCATGGGAGACA 622

Qy 921 TTGCTAAAGCTGGTTATACTAACTTACTCTCTGTGAAAATACTAGATGTTCTTATCATA 980

Db 623 TTGAATTCCTCTGTATACTGTGCTACTCCAGTCAATGCAAAATGCAATTCTTATATA 682

Qy 981 TTGAGGAGGAGATTGATGGCTCAACAGGGTCTGGAAAGACTGGCTTTTC 1040

Db 683 AGGGAAAGAGACTTAATGGCTGTGCCAAAGGATCTGGAAACTGGGATTC 742

Qy 1041 TCCTACCAATTGGCTCA-----TATGATGCTATGATG 1073

Db 743 TTTCACCAACTAGTCGATATACTAGATGATATACTAGATG 802

Qy 1074 GAATACTCGCAGCTGTTAACAGTGTGAGCTGATATTGAGCACCAA 1133

Db 803 AGGTAAATGGAACTATGGCCGGCAACAAATATTCCATATCTGTGTTTGTGCCAA 862

Qy 1134 CTGGAATTTGTCACCGATTTGGAAACGAAATTGGAAACGAGAAATTTCCTTTGGACTGTG 1193

Db 863 CAAGGAACTGTTGTATATGGCAACGATCTGAGAACTTCCACCGATCTAG 922

Qy 1194 TAAGAGCTGTTGTATATGGCAACGATCTGAGAACTTCCACAAATAGTAC 1253

Db 923 TCGCCCTTGTGTTATGGCTGTATATTGGCTGATATGGTCAGGATTCGGCTTGAAC 982

Qy 1254 AAGGTGTTATATATTATGCTACTCTGCACTGATGGTATATGGAAAGCTATAGGATATCTGGAAAGAGAA 1313

Db 983 GTGGTGCACATTGTAGCCACTCTCCAGACCTCTGGATATGGAAAGGAA 1042

Qy 1314 AGATGGCTCAAACAGATCARATCATGATGGCTATGGTGGATA 1373

Db 1043 AGATGGTAACTGCAAGTCAACGATTTCTGCAAGTACTCTGCAAGT 1493

Qy 1374 TGGGTTGGCTTGGTCCAGAAATGAGAGTTAATTCCTGCCAGGAATGGCTGAG 1222

Db 1103 TGGGTTGGACCTGAGATACGTTGATGTTAGTCAAGATGCTGTCGTG 1162

Qy 1494 AGTTTTAACTGCAATTATCTGTGTTGCTGTTGAGCTGAGCTGAG 1553

Db 1223 ACTTTGTTGTTGAGAA---TATATCTTGTGAGTGGAGTGGCTGAGTACCTCTGAGA 1279